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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,796	09/21/2004	Hiroshi Nakahata	03500-017135	3912
5514	7590	08/21/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRAN, HUAN HUU	
			ART UNIT	PAPER NUMBER

2861

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/508,796

Applicant(s)

NAKAHATA, HIROSHI

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/21/04;03/13/06</u> | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (US Patent No. 6308024 cited in the IDS filed on 03/13/06) in view of Ricoh (JP 2000-190562).

As to claims 1, 3 and 4, with reference to Figs 2-4, Nakayama et al. discloses an image forming apparatus comprising:

a plurality of image forming portions (13Y, 13M, 13C, 13K), each image forming portion having a photosensitive member (15) and a developing device (17) for developing an electrostatic image on said photosensitive member with toner; and

an exposure unit (ROS 14) disposed beneath the image forming portions for exposing the plurality of photosensitive members, said exposure unit having a frame member (20) that accommodates an optical member.

As to claim 3, Nakayama et al. shows the plurality of windows 21Y, 21M, 21C, 21K for transmitting exposure light beams used for exposure of the photosensitive members.

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As to claim 4, Nakayama et al. discloses a cover (baffles 50,52) for preventing toner from falling onto windows 21Y, 21M, 21C, 21K.

Nakayama et al. does not teach or suggest the limitation "wherein said frame member includes an upper frame portion opposed to the image forming portions, the upper frame portion having a plurality of recessed portions corresponding to the image forming portions respectively" as recited in claim 1 and the limitation "a plurality of windows provided in positions different from the recessed portions" as recited in claim 3.

Ricoh teaches the missing limitation. See paragraph [0015] of Ricoh which discloses that the optical housing 31 being provided with dust bank 40 at both ends of the dust-proof glass 33.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ricoh into that of Nakayama et al. so that dust is not accumulated on the transparent glass windows 21Y, 21M, 21C, 21K.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. in view of Ricoh as applied to claim 1 above, and further in view of Sakai (JP 08-22174 cited in the IDS filed on 09/21/04).

Nakayama et al. in view of Ricoh discloses the claimed invention for the reason given above except for the limitation " wherein the image forming portions are arranged along an oblique direction, and the upper frame portion is inclined substantially along the direction along which the image forming portions are arranged"

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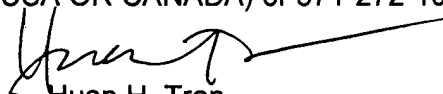
Sakai disclose such limitation . See Figs. 1-2.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sakai into the teaching of Nakayama et al. modified by Ricoh so that toner would not easily accumulate on the exposure unit for the reason that the exposure unit is positioned along an oblique direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on T-F from 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Huan H. Tran
Primary Examiner
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hht
08/17/06

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